

55

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

DOCKET  
NUMBER

U.S. DISTRICT COURT  
WEST. DIST. OF WISCONSIN

JUL - 1 2002

FILED/RECEIVED  
JOSEPH W. SKUPNIEWITZ, CLERK  
CASE  
NUMBER

NEIL GAIMAN and MARVELS AND  
MIRACLES, LLC,

Plaintiffs,

v.

TODD McFARLANE, TODD  
McFARLANE PRODUCTIONS, INC.,  
TMP INTERNATIONAL, INC., and  
McFARLANE WORLDWIDE, INC.

Defendants-Counterclaimants,

And

IMAGE COMICS, INC.,

Defendant.

Case No. 02-C-0048-S

---

**DEFENDANTS TODD McFARLANE'S, TODD McFARLANE PRODUCTIONS, INC.'S,  
TMP INTERNATIONAL, INC.'S AND McFARLANE WORLDWIDE, INC.'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT**

---

TO: Jeffrey A. Simmons  
Foley & Lardner  
150 East Gilman Street  
Madison, WI 53703

R. Scott Feldmann  
Brobeck, Phleger & Harrison, LLP  
38 Technology Drive  
Irvine, CA 92618

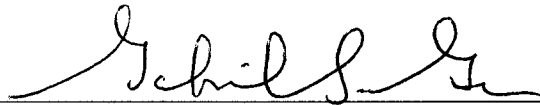
Kenneth F. Levin  
Kenneth F. Levin and Associates  
20 North Wacker Drive, Suite 2200  
Chicago, Illinois 60606

PLEASE TAKE NOTICE that Defendants Todd McFarlane, Todd McFarlane  
Productions, Inc., TMP International, Inc. and McFarlane Worldwide, Inc. (the "McFarlane

Defendants”), by their attorneys LaFollette Godfrey & Kahn and Blackwell Sanders Peper Martin, LLP, hereby move the court for partial summary judgment dismissing claims I, II, III, VII and VIII of the Amended Complaint, pursuant to Rule 56, Fed. R. Civ. P. This motion is based on the pleadings and papers on file in this matter, the proposed findings of fact and conclusions of law attached to this motion, and on the Affidavits of Todd McFarlane, Lawrence Marder and Todd G. Smith. The motion is also supported by the McFarlane Defendants’ Memorandum of Law, which is attached to this motion.

Dated: July 1, 2002

LA FOLLETTE GODFREY & KAHN



Eugenia G. Carter  
Todd G. Smith  
Gabriel S. Gross  
One East Main Street, Suite 500  
Madison, WI 53701  
Tel: (608) 257-3911  
Fax: (608) 257-0609

—and—

Michael A. Kahn  
Peter W. Salsich, III  
Blackwell Sanders Peper Martin LLP  
720 Olive Street, Suite 2400  
St. Louis, MO 63101  
Tel: (314) 345-6000  
Fax: (314) 345-6060

Attorneys for Todd McFarlane, Todd McFarlane  
Productions, Inc., TMP International, Inc. and  
McFarlane Worldwide, Inc.

DOCKET  
NUMBER

U.S. DISTRICT COURT  
WEST. DIST. OF WISCONSIN

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

JUL - 1 2002

NEIL GAIMAN and  
MARVELS AND MIRACLES, LLC,

Plaintiffs,

v.

TODD MCFARLANE,  
TODD MCFARLANE PRODUCTIONS, INC.,  
TMP INTERNATIONAL, INC., MCFARLANE  
WORLDWIDE, INC., and  
IMAGE COMICS, INC.,

Defendants.

FILED/RECEIVED  
JOSEPH W. SKUPNIEWITZ, CLERK

CASE  
NUMBER

Case No. 02 C 0048 S

---

**CERTIFICATE OF SERVICE**

---

Gabriel S. Gross certifies that on Monday, July 1, 2002, true and correct copies of the following documents:

1. Defendants Todd McFarlane's, Todd McFarlane Productions, Inc.'s, TMP International, Inc.'s and McFarlane Worldwide, Inc.'s Motion for Partial Summary Judgment;
2. Defendants Todd McFarlane's, Todd McFarlane Productions, Inc.'s, TMP International, Inc.'s and McFarlane Worldwide, Inc.'s Proposed Findings of Fact and Conclusions of Law in Support of Their Motion for Partial Summary Judgment;
3. Memorandum of Law of Defendants Todd McFarlane, Todd McFarlane Productions, Inc., TMP International, Inc. and McFarlane Worldwide, Inc. in Support of Their Motion for Partial Summary Judgment;
4. Affidavit of Todd McFarlane;
5. Affidavit of Lawrence P. Marder; and
6. Affidavit of Todd G. Smith.

were hand-delivered and mailed, first class, postage prepaid to the following:

**Hand-Delivered:** Jeffrey A. Simmons  
Foley & Lardner  
150 East Gilman Street  
Madison, WI 53703

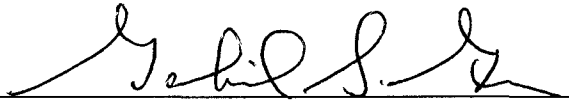
**First Class Mail:** Kenneth F. Levin  
Kenneth F. Levin and Associates

20 North Wacker Drive, Suite 2200  
Chicago, Illinois 60606

***First Class Mail:***

R. Scott Feldmann  
Brobeck, Phleger & Harrison, LLP  
38 Technology Drive  
Irvine, CA 92618

Dated: July 1, 2002.



---

Gabriel S. Gross

MN146974\_1.DOC